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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 15 April 2002 from the head of the delegation of Equatorial Guinea to the fifty-eighth session of the Commission on Human Rights addressed to the Chairperson of the Commission

As you know, the Government of the Republic of Equatorial Guinea since 1979 has granted an unprecedented degree of access to our country for the various experts, special rapporteurs and special representatives of the Commission. For this reason, in my capacity as head of delegation and Minister of Justice and Religious Affairs, I was distressed to learn yesterday that the Bureau of the Commission circulated two rather dramatic letters by Mr. Gallón, the Special Representative, without requesting clarification from the interested country.

The Government of the Republic of Equatorial Guinea has always believed that our cooperation with the Commission should entail some degree of reciprocity, particularly in terms of the behaviour of the Special Representative. For the record, we have enclosed the record of correspondence between my Government and the Special Representative concerning our invitation extended on 15 March to visit Malabo and to evaluate the situation of the detainees and to receive the preliminary findings of our investigation into these events. Mr. Gallón's submission of letters was highly selective and conveys the impression that he has taken the initiative on this issue and that, by our having practical reservations about his intended dates, we are somehow preventing him from carrying out a necessary humanitarian mission.

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The Government of the Republic of Equatorial Guinea wants to express its deep concern about both this interpretation and Mr. Gallón's statements to the Commission and to you personally about the situation in Equatorial Guinea. Our Prime Minister, Cándido Muatetema Rivas, promptly invited the Special Representative to Equatorial Guinea when we had apprehended and detained a group of persons discovered to have plotted the assassination of the head of Government and other ranking members of Government. During this crucial time, the Special Representative claimed that his duties at the Commission prevented him from travelling to our country. Subsequently, even until 28 March, the day of his presentation to the Commission, he did not seek further clarification of these events and finally only did so with his letter to the Prime Minister dated 8 April.

I raise this issue because, as a senior minister with jurisdiction over some of these issues, I was in Geneva until the end of March and returned again this week. At no time, knowing that I was present at the Commission hearings, did Mr. Gallón approach me or others in my delegation to clarify the situation. Likewise, our Prime Minister was available during this whole period for any phone inquiries Mr. Gallón may have had concerning the situation of the detainees.

Our suggestion to Mr. Gallón that 7 April to 15 April was inconvenient for the Government came from the very real situation that our senior officials, including myself, were out of the country. However, the Prime Minister did suggest the alternative date of 5 May.

We believe that, if Mr. Gallón thought that the human rights situation was as grave and serious as he says publicly, he would have attempted either to visit our country in March or to make a more concerted and active effort to seek clarification from the government officials responsible for these issues, one of whom was in Geneva most of the time.

Mr. Chairman, Mr. Gallón's letter to our Prime Minister dated 8 April contains nothing that would suggest that Mr. Gallón had any new and urgent information he did not already possess on 15 March. We find it lamentable that a story was on the Internet the day Mr. Gallón sent his letter to you claiming that Equatorial Guinea had denied the Special Representative access to the country, a statement that is categorically false. We also find it deplorable that Mr. Gallón should be allowed, on the false pretext we denied him access, to circulate without our right of response information about our country that is not only wrong factually, but malicious in intent.

For the record, after my return to Malabo at the end of March, I visited the detainees and met with my government colleagues to review the situation. I can assure the Commission that there has been no loss of life on either side, no one has been beaten or tortured and no one has been deprived of any medical treatment or food. The detainees have had access to their family members and lawyers and will receive a fair, just and public trial in a civilian court of law.

The legal political parties were fully briefed about the situation by the Minister of the Interior shortly after these events happened at the beginning of March. These events should not be construed in any way as affecting our ongoing dialogue with the legal opposition. Nor should these events be interpreted to mean that the Government of Equatorial Guinea is any less committed to strengthening human rights and democracy in our country.

Similarly, the Government's duty to protect itself and its citizens from illegal attempts by armed groups to seize power should not be used to diminish our real and significant accomplishments in the field of human rights and democracy. Unfortunately, that is what the Special Representative has tried to do in response to the latest events in my country.

I hope we can put this regrettable breach of protocol behind us and try to re-establish a spirit of cooperation that was sorely missing in this episode. I look forward to meeting with you about this incident and related issues about our relationship with the Commission.

In conclusion, the Government of Equatorial Guinea, in the light of the unfounded allegations by Mr. Gustavo Gallón, has the right to express its lack of confidence in the Special Representative's professional conduct. Consequently, we request that this letter and the accompanying correspondence* be distributed as an official document of the Commission during this fifty-eighth session.

(Signed): Rubén Mayé NSUE MANGUE
Head of delegation

* Reproduced in the language of submission as received and in English.

Office of the Prime Minister

Republic of Equatorial Guinea

Malabo, 14 March 2002

Sir,

In my capacity as Chairman of the Government Inter-Ministerial Commission on Human Rights, I have the honour to inform you that, according to the information received, the State security and police force recently arrested some citizens on suspicion that they were responsible for acts designed to stir up social unrest among members of the civilian population in the city of Bata and likely to undermine peace and security in the country.

These preliminary measures were adopted in order to complete the formalities relating to the investigation of these events, but they are not arbitrary violations of the fundamental human rights and freedoms of the persons concerned.

The suspects' physical integrity is being protected and safeguarded and they are not being subjected to ill-treatment of any kind.

As noted above, they are being held in the police station of the city of Bata during the investigation of the events leading up to this situation.

The above-mentioned information has prompted me to bring this situation to your attention on a preliminary basis, as stated; further information will be provided when the investigation has been completed.

Accept, Sir, the assurances of my highest consideration.

(Signed): Cándido Muatetema Rivas
Prime Minister - Head of Government and
Chairman of the Inter-Ministerial
Commission on Human Rights

Mr. Gustavo Gallón Giraldo
Special Representative of the
United Nations Commission on Human Rights
on the situation in Equatorial Guinea
Fax No. 00 41 22 917 0092
Geneva
Switzerland

Geneva, 20 March 2002

Sir,

I have the honour to reply to your communication dated 15 March 2002. I should like to thank you for your special invitation to visit your country and see the situation referred to in my recent communications for myself. As you know, the Commission on Human Rights has just begun and will be in session until the end of April, and this is why I am unable to travel at the present time and to accept your invitation.

I should nevertheless like to request your Government to provide me with additional information so that I may keep abreast of the latest developments. With reference to your letter dated 14 March 2002, I should also like to request you to indicate the names of the persons concerned.

I take this opportunity to inform you that the oral introduction of my report to the Commission will take place on the morning of Thursday, 28 March 2002.

I am available to receive any information you might be able to provide and take this opportunity to convey to you the assurances of my highest consideration.

(Signed): Mr. Gustavo Gallón Giraldo
Special Representative of the United Nations
Commission on Human Rights on
Equatorial Guinea

Mr. Cándido Muatetema Rivas
Prime Minister and Chairman of the
Inter-Ministerial Commission on Human Rights
Malabo
Equatorial Guinea

Office of the Prime Minister

Republic of Equatorial Guinea

Malabo, 15 March 2002

Sir,

Referring to the information contained in the fax I sent yesterday, 14 March, and bearing in mind that the events in question are becoming increasingly clear in the light of the results of the investigations being conducted, I would like to extend a special invitation to you, provided that your schedule of work permits, to travel to Equatorial Guinea to see the situation for yourself before you receive information from third party sources.

In case you are not available, however, we are prepared to provide you with any information that may be necessary to determine the reasons which unfortunately led to these events, which are, at this very moment, intended to disturb the peaceful and harmonious situation in the country at the present time.

We anxiously await your positive reply so that we may take the measures required for your visit.

Accept, Sir, the assurances of my highest consideration.

(Signed): Cándido Muatetema Rivas
Prime Minister - Head of Government and
Chairman of the Inter-Ministerial
Commission on Human Rights

Mr. Gustavo Gallón Giraldo
Special Representative of the
United Nations Commission on Human Rights
on the situation in Equatorial Guinea
Fax No. 00 41 22 917 0092
Geneva
Switzerland

UNITED NATIONS OFFICE AT GENEVA

Office of the High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10
Fax (022) 917 0123

G/SO 214 (29-12)

Geneva, 15 March 2002

Sirs,

We have the honour to write to you in our capacity as Special Representative on the situation of human rights in Equatorial Guinea, Special Rapporteur on torture and Chairman/Rapporteur of the Working Group on Arbitrary Detention, in accordance with Commission on Human Rights resolutions 2001/22, 2001/62 and 2000/36.

We would like to draw your Government's attention to the following information received on Mr. Felipe Ondó Obiang, founder and member of the non-recognized party, Fuerza Demócratica Republicana (FDR), and his brother-in-law, Mr. Emilio Ndongo Nchama, member of the Unión Popular (UP) party. According to the source, they were allegedly arrested without a warrant at about 4 p.m. on 14 March by soldiers led by Marcelino Olo. Their whereabouts has been kept secret until today, when they were seen in Bata prison. According to the same information, they were tortured during their detention incommunicado. It is feared that their health may be impaired if appropriate medical measures are not taken promptly.

According to the same information, Mr. Guillermo Nguema Elá, co-founder of the non-recognized FDR party was taken by soldiers to an unknown place at 12 today, 15 March. In view of the seriousness of this information, fear has been expressed about his physical integrity.

Mr. Cándido Muatetema Rivas
Prime Minister and Chairman of the
Inter-Ministerial Commission on Human Rights

Mr. Santiago Nsobeya Efuman
Minister for Foreign Affairs

Mr. Rubén Mayé Nsue Mangue
Minister of Justice and Worship

Malabo
Equatorial Guinea

Without in any way wishing to imply that a conclusion has been reached on the situation, we would like to appeal to you to seek clarification of the events in question and ensure that the rights of these persons not to be arbitrarily detained and to physical and mental integrity are being protected, in accordance, inter alia, with articles 5, 9 and 10 of the Universal Declaration of Human Rights and articles 7, 9 and 14 of the International Covenant on Civil and Political Rights.

UNITED NATIONS OFFICE AT GENEVA

Office of the High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10
Fax (022) 917 01 23

G/SO 214 (29-12)

Geneva, 21 March 2002

Sirs,

We have the honour to write to you in our capacity as Special Representative on the situation of human rights in Equatorial Guinea, Special Rapporteur on torture and Chairman/Rapporteur of the Working Group on Arbitrary Detention, in accordance with Commission on Human Rights resolutions 2001/22, 2001/62 and 2000/36.

We wish to refer to our preceding communication, dated 15 March, in which we informed you of the case of Mr. Felipe Ondó Obiang, Mr. Emilio Ndongo Nchama and Mr. Guillermo Nguema Elá. According to more recent information, other arrests of soldiers and civilians have taken place. Lieutenant Colonel Lorenzo Ondó Elá, Lieutenant Colonel Segismundo Obarna Esono, Commander Mariano Endongo Esangui and an unspecified number of civilians and soldiers were allegedly arrested without a warrant by members of the National Security Department under the command of General Agustín Ndong Ona, Colonel Diosdado Nguema Eyi and Colonel Cayo Ondó Mba. The detainees are allegedly being questioned in a remote detention centre. In the light of the seriousness of this information, fears have been expressed for the physical integrity of these persons.

Mr. Cándido Muatetema Rivas
Prime Minister and Chairman of the
Inter-ministerial Commission on Human Rights

Mr. Santiago Nsobeya Efuman
Minister for Foreign Affairs

Mr. Rubén Mayé Nsue Mangue
Minister of Justice and Worship

Malabo
Equatorial Guinea

Without in any way wishing to imply that a conclusion has been reached on these events, we wish to appeal to you to seek clarification of them and ensure that the rights of these persons not to be arbitrarily detained and to physical and mental integrity are protected, in accordance, inter alia, with articles 5, 9 and 10 of the Universal Declaration of Human Rights and articles 7, 9 and 14 of the International Covenant on Civil and Political Rights. We should also like to draw your attention to Commission resolution 1999/32, which reminds all States "that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment" (para. 5), and to the Standard Minimum Rules for the Treatment of Offenders, adopted by the Economic and Social Council in its resolutions 663C (XXIV) of 31 July 1967 and 2076 (LXII) of 13 May 1977, and, in particular, rules 22, 25 and 26.

We would be grateful to the Government of Equatorial Guinea for providing us with any information on the events in question and on any measures adopted to guarantee the rights of these persons.

Accept, Sir, the assurances of our highest consideration.

Gustavo Gallón Giraldo
Special Representative of the Commission on Human Rights
on Equatorial Guinea

Theo van Boven
Special Rapporteur of the Commission on Human Rights
on the question of torture

Louis Joinet
Chairman/Rapporteur of the Working Group
on Arbitrary Detention

Office of the Prime Minister

Republic of Equatorial Guinea

Malabo, 20 March 2002

Sir,

With reference to your letter of 25 March, in which you request information on the progress and achievements made in applying the recommendations of the Commission on Human Rights, I am pleased to be able to inform you that the Government has indeed performed all the actions mentioned in your letter and others, as enumerated in the schedule for their performance drawn up by my Government.

Thus, the Government has, at successive meetings of the Council of Ministers, approved and sent the following to the House of Representatives of the People:

1. Ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination;

3. Bill for the establishment of police courts in all districts and municipalities of Equatorial Guinea in order to ensure the legality of detention;

4. Bill prohibiting imprisonment in connection with dowries and establishing the modalities for the restitution of dowries;

5. Bill prohibiting the issue of exit visas to nationals.

In addition, the rehabilitation and reform of penal establishments and detention centres are proceeding.

Meetings are being held with civilian and military authorities from outlying areas. The process began with the mayors of all municipalities, on the one hand, and representatives of the military, on the other, and is presided over by the President of the Republic himself. It will continue with the remaining authorities very shortly.

Mr. Gustavo Gallón Giraldo
Special Representative of the
United Nations Commission on Human Rights
on the situation in Equatorial Guinea
Geneva

As will be seen, my Government is willing to work for the improved observation and respect of human rights in Equatorial Guinea, not only in order to comply with the recommendations of the Commission on Human Rights and its Special Rapporteur, but also because the goal of my Government's policy is to continue the efforts to maintain the current peace in the country and to improve the population's living conditions day by day.

We confirm our willingness to provide you with as much information as you may require on the actual situation and the persons involved.

I look forward to seeing you soon in our beautiful country. Accept, Sir, the assurances of my highest consideration.

(Signed): Cándido Muatetema Rivas
Prime Minister
Head of Government

Office of the High Commissioner for Human Rights

United Nations

Geneva, 25 March 2002

Sir,

With reference to your offer during the meeting that we had during my most recent visit to your country in November 2001, I should be grateful if you would inform me of any progress or achievements made in applying the recommendations of the Commission on Human Rights, especially as regards the matters concerning which the Government offered to produce results in the first quarter of the current year, namely:

Accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Accession to the International Convention on the Elimination of All Forms of Racial Discrimination;

Willingness to take the measures necessary to strengthen the mechanisms enforcing the prohibition on arbitrary detentions;

The prohibition on depriving women or their family members of liberty for not returning dowries in the event of divorce;

Submission to Congress of a bill to ensure that civilians are not tried by military courts.

As you know, I am scheduled to make my oral report to the Commission on Human Rights on the morning of Thursday, 28 March, and I would be pleased to be able to transmit to the Commission the information you see fit to provide me on this matter.

Accept, Sir, the assurances of my highest consideration.

(Signed): Gustavo Gallón Giraldo
Special Representative of the
Commission on Human Rights
on Equatorial Guinea

Mr. Cándido Muatetema Rivas
Prime Minister and Chairman of the Inter-Ministerial
Commission on Human Rights
Malabo
Equatorial Guinea

Office of the High Commissioner for Human Rights

United Nations

Geneva, 3 April 2002

Sir,

I have the honour to write to you in my capacity as Special Representative on Equatorial Guinea under United Nations Commission on Human Rights resolution 2001/22.

With reference to the kind invitation you made to me on 15 March last and the discussions held here in Geneva with members of the Government's delegation to the current session of the Commission on Human Rights, I wish inform you that I have studied the advisability of visiting the country at the present time to acquaint myself directly with the complaints concerning detentions during the past few weeks.

The proposed date of my arrival in Malabo is 7 April 2002 and I would remain in the country until 15 April. During my stay in the country, I would hope to have the honour to meet you and other senior members of the Government of the Republic of Equatorial Guinea. I would hope to have your permission to visit the detention centres on the island of Bioko and on the mainland.

Accept, Sir, the assurances of my highest consideration.

(Signed): Gustavo Gallón Giraldo
Special Representative of the
Commission on Human Rights
on Equatorial Guinea

Mr. Cándido Muatetema Rivas
Prime Minister and Chairman of the Inter-Ministerial
Commission on Human Rights
Malabo
Equatorial Guinea

Office of the Prime Minister

Republic of Equatorial Guinea

Malabo, 4 April 2002

Sir,

I acknowledge with thanks receipt of your note of 3 April in which you agree to take up the invitation that I extended to you in an earlier communication to visit the country with regard, in particular, to information that has recently reached you from unofficial sources in order to verify those reports for yourself and to determine the actual situation and the conduct of my Government.

However, because of the schedule of Government business, I have to inform you that the proposed visit from 7 to 15 April will not be possible, since a number of officials from my Government whom you would need to contact will not be available.

I therefore suggest that the visit should be postponed until a date which you find convenient after 5 May and which I would ask you to communicate to us in advance for confirmation.

Accept, Sir, the assurances of my highest consideration.

(Signed): Cándido Muatetema Rivas
Prime Minister
Head of Government

Mr. Gustavo Gallón Giraldo
Special Representative of the
United Nations Commission on Human Rights
on the situation in Equatorial Guinea
Geneva

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